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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,861	10/25/2001	Roland Bushonville Arthur	04783.00010	1088
22908	7590	09/22/2006	EXAMINER	
BANNER & WITCOFF, LTD. TEN SOUTH WACKER DRIVE SUITE 3000 CHICAGO, IL 60606				OYEBISI, OJO O
		ART UNIT		PAPER NUMBER
		3628		

DATE MAILED: 09/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/027,861	ARTHUR ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	OJO O. OYEBISI	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 25 October 2001.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-27 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-27 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 10/25/01 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Gebb (US PAT: 6,067,532).

**Re claim 1.** Gebb discloses a method that provides for a creation and a sale of a right in a commodity exchange system (see abstract), the right entitling a current holder to purchase at least one event ticket, each event ticket associated with an event, the method comprising the steps of: entering the right into a secure register for the current holder; and converting the right to the at least one event ticket (i.e., potential sellers enroll with the system manager, via telephone, fax, mail, E-mail or Internet, by providing an address, a credit card and/or any other security information which are verified by an automated host system located at the system manager. Once sellers are entered into the system, they are allowed to consign tickets to the host system by faxing the ticket information to the system manager, and then, mailing the actual tickets to the system manager. Upon receipt of a sales request, and even before receiving a hard copy of the ticket, the system verifies the seller, the credit card used (which will be credited if

the tickets are sold), the tickets consigned, and the timing of the event. The system only allows a consignment at a predetermined time before the event and the system automatically removes tickets at a predetermined time before the beginning of the event, see col.2 lines 28-50, also see abstract).

**Re claim 2.** Gebb further discloses the method of claim 1, further comprising the steps of: adjusting a value of the right; and transferring ownership by the secure register of the right to a new holder in response to the current holder requesting a transaction of the right, wherein the current holder becomes the previous holder and the new holder becomes the current holder (i.e., The present invention includes a reliable and efficient method for redistributing, purchasing or selling tickets on the secondary market. The system generally includes a method for accepting tickets from individual sellers, posting the tickets on a central database for redistribution, establishing a market price based on demand and/or a service fee (this feature may not be available in certain states due to reselling restrictions or at certain arenas due to prior agreements) and redistributing the tickets to new buyers, see col.2 lines 10-20).

**Re claims 3 and 4.** Gebb further discloses the method of claim 2, wherein the step of adjusting the value of the right terminates the right after a cutoff date occurs (i.e., the system only allows a consignment at a predetermined time before the event and the system automatically removes tickets at a predetermined time before the beginning of the event. Depending on the laws of the particular state and the agreement with the specific arena, team or other entity, the system automatically determines the price for the ticket. Pursuant to a venue agreement or state laws restricting the resale value of a

ticket, the system will set a fair market price for the tickets based on a bidding process.

If the state has restriction on the resale of a ticket, the system will simply add a nominal service fee to the face value of the tickets, see col.2 lines 40-45).

**Re claim 5.** Gebb further discloses the method, wherein the current holder is selected from the group consisting of a season ticket holder and a non-season ticket holder (see col.3 lines 23-35).

**Re claim 6.** Gebb further discloses the method of claim 2, further comprising the step of: charging the new holder an amount of money based upon a market value of the right (i.e., face value, see col.9 lines 17-19).

**Re claim 7.** Gebb further discloses the method of claim 6, further comprising the steps of: adjusting the amount of money by a transaction fee; and crediting the previous holder the amount of money (see col.2 lines 55-64).

**Re claim 8.** Gebb further discloses the method of claim 2, wherein the at least one ticket corresponds to a series of events and wherein each event of the series is dependent upon a previous event (see col.8 lines 3-11).

**Re claim 9.** Gebb further discloses the method of claim 2, wherein the step of transferring ownership by the secure register of the right to the new holder comprises the steps of: receiving a quote from a user of the commodity exchange system, the user being either the current holder or the new holder of the right; and receiving an acceptance indication corresponding to the quote (i.e., bidding, see col.8 lines 15-25)

**Re claim 10.** Gebb further discloses the method of claim 1, wherein the right specifies a region within an event venue (see col.7 lines 53-67).

**Re claim 11.** Gebb further discloses the method of claim 8, wherein the step of converting the right to at least one event ticket and the step of adjusting the value of the right occurs during a period of time in which a portion of the series of events is completed (see col.2 lines 40-45).

**Re claims 12 and 13.** Gebb further discloses the method of claim 1, further comprising the step of: distributing the right to a non-season ticket customer, wherein the non season-ticket customer becomes the current holder of the right (Gebb discloses seasoned and non-seasoned sellers, see col.3 lines 25-35, thus inherently the buyers would be seasoned and non-seasoned ticket customers).

**Re claim 14.** Gebb further discloses a method that provides for a creation and a sale of a right in a commodity exchange system, the right entitling a current holder to purchase at least one event ticket, each event ticket associated with an event, the method comprising the steps of: providing market information for the right associated with at least one seat in an event venue; receiving at least one of a quote acceptance and a quote proposal responsive to the market information (see col.8 lines 12-44).

**Re claim 15.** Gebb further discloses the method of claim 14, further comprising the steps of: determining recalculated market information based upon the quote acceptance or the quote proposal; and providing the recalculated market information (see col.8 lines 25-40).

**Re claim 16.** Gebb further discloses a method that provides for a creation and a sale of a right in a commodity exchange system, the right entitling a current holder to purchase at least one event ticket, each event ticket associated with an event ( see

abstract), the method comprising the steps of: defining quantity-differentiated markets for a plurality of rights, each right of the quantity-differentiated markets based on a unique number of units of the right to be traded; and providing market information for at least one of the quantity-differentiated markets (see col.8 lines 15-44, also see col.2 lines 10-20).

**Re claim 17.** Gebb further discloses a method that provides for a creation and a sale of a right in a commodity exchange system, the right entitling a current holder to purchase at least one event ticket, each event ticket associated with an event (see abstract), the method comprising the steps of: receiving, from amongst a plurality of quotes provided by buyers and sellers, a first quote from a user of the commodity exchange system; receiving at least a second quote from the user; and linking the first quote and at least the second quote together to provide a quote chain, wherein acceptance of any quote in the quote chain causes remaining quotes in the quote chain to be inactivated, and wherein each quote in the quote chain is directed to at least one right within at least one event venue (i.e., If the event corresponding to the selected ticket is located in a State or arena which allows the sale of tickets at an increased price, as stated above, ticket server 60 suitably requests that buyer enter a "bid" for the ticket and the buyer's selection for the particular ticket is stored in offer database 68 within ticket server 60 for a predetermined amount of time. After a predetermined amount of time, host system 30 notifies buyer of the successful or unsuccessful bid and allows the particular buyer to purchase the ticket. One skilled in the art will appreciate that any known comparison/bidding system, including systems

which determine successful bids based on a combination of number of tickets purchased and price submitted, is within the scope of the present invention. (21) After selecting a particular ticket, and if applicable, achieving a successful bid, the buyer pays for the ticket at the time of purchase using any known credit card transaction or any other payment mechanism known in the art including, for example, cash, check, smart card and/or the like, see col.8 lines 12-34).

**Re claim 18.** Gebb further discloses a method that provides for a creation and a sale of a right in a commodity exchange system, the right entitling a current holder to purchase at least one event ticket, each event ticket associated with an event (see abstract), the method comprising the steps of: defining spatially diverse regions within an area, each of the spatially diverse regions defining a separate commodity market, the right associated with one of the spatially diverse regions; providing display data on the area, wherein each of the spatially diverse regions is separately identifiable by a viewer of a visual depiction resulting from the display data; and receiving selection information corresponding to at least one selected spatially diverse region (i.e., browse a web page, see col.8 lines 1-10).

**Re claim 19.** Gebb further discloses an apparatus that provides for a creation and a sale of a right in a commodity exchange system, the right entitling a current holder to purchase at least one event ticket, each event ticket associated with an event, the apparatus comprising: a secure register, the secure register assigning the right with the current holder; and an indication associated with the secure register signifying as to whether the current holder chooses to convert the right to the at least one event ticket

(i.e., potential sellers enroll with the system manager, via telephone, fax, mail, E-mail or Internet, by providing an address, a credit card and/or any other security information which are verified by an automated host system located at the system manager. Once sellers are entered into the system, they are allowed to consign tickets to the host system by faxing the ticket information to the system manager, and then, mailing the actual tickets to the system manager. Upon receipt of a sales request, and even before receiving a hard copy of the ticket, the system verifies the seller, the credit card used (which will be credited if the tickets are sold), the tickets consigned, and the timing of the event. The system only allows a consignment at a predetermined time before the event and the system automatically removes tickets at a predetermined time before the beginning of the event, see col.2 lines 28-50, also see abstract).

**Re claim 20.** Gebb further discloses the apparatus of claim 19, further comprising: an exchange controller that interacts with a user of the exchange controller to generate quotes, the exchange controller communicating with the secure register about a transfer of the right to a new holder (i.e., bidding system, see col.8 lines 24-29).

**Re claim 21.** Gebb further discloses the apparatus of claim 20, further comprising: a network interface connecting the exchange controller to the user through a communication network (see col.6 lines 55-62, also see col.5 lines 25-30).

**Re claim 22.** Claim 22 recites similar limitations to claim 19, and thus rejected using the same art and rationale as in claim 19.

**Re claim 23.** Claim 23 recites similar limitations to claim 2, and thus rejected using the same art and rationale as in claim 2.

**Re claim 24.** Claim 24 recites similar limitations to claim 6, and thus rejected using the same art and rationale as in claim 6.

**Re claim 25.** Claim 25 recites similar limitations to claim 7, and thus rejected using the same art and rationale as in claim 7.

**Re claim 26.** Claim 26 recites similar limitations to claim 6, and thus rejected using the same art and rationale as in claim 6.

**Re claim 27.** Claim 27 recites similar limitations to claim 9, and thus rejected using the same art and rationale as in claim 9.

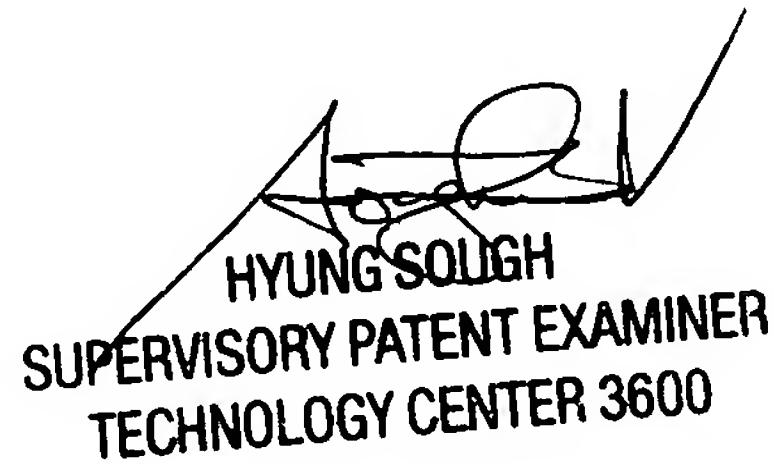
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OJO O. OYEBISI whose telephone number is (571) 272-8298. The examiner can normally be reached on 8:30A.M-5:30P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, HYUNG S. SOUGH can be reached on (571)272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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